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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,215	12/16/2003	Thomas P. Pritchard	05-03-001	7683
45113	7590	02/22/2008		
DOCKET CLERK PO BOX 800889 DALLAS, TX 75380			EXAMINER STERRETT, JONATHAN G	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/737,215

**Applicant(s)**

PRITCHARD ET AL.

**Examiner**

JONATHAN G. STERRETT

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 2-28-2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This **Non-Final Office Action** is responsive to 27 November 2007. Currently **Claims 1-4** are pending.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 2 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kakita**, Howard; Yu, Edward; "Improving Process Maturity to Compete in the Desktop Printer Market", April 1998, PDMA Visions Magazine, pp.1-8, (hereinafter **Kakita**).

Regarding **Claim 1**, Kakita teaches:

**A method, comprising:**

**defining process stages of a business process;**

Page 3 Figure 1, process stages of a development process (i.e. product development).

**dividing the process stages into key process areas;**

Page 3 Figure 2, key process stages are divided into key process areas (areas of competence from which maturity is determined).

**rating the business process according to the key process areas to produce key process area ratings;**

Page 3 Figure 2, for each area, a maturity rating is given (here it is rated before and after Xerox's TTM implementation).

**compiling the key process area ratings;**

Figure 2 is a compilation of these ratings

**performing a business evaluation in accordance with the key process area ratings; and**

Page 2 last paragraph, the business evaluation was performed in accordance with the key process areas (according to PRTM's maturity model).

**creating a recommendation report corresponding to the business evaluation.**

Figure 2 includes a plan with recommendations of where to improve process performance.

Regarding **Claim 2**, Kakita teaches:

**The method of claim 1, wherein each process stage is associated with specific key process areas.**

Figure 2 breaks down each process stage into specific key process areas (e.g. strategy and product planning, decision making, team organization & documentation and development processes & controls)

Regarding **Claim 4**, Kakita teaches:

**The method of claim 1, wherein the business process is rated according to a predefined digital maturity model.**

Figure 1, the maturity model is predefined according to PRTM's process maturity model.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kakita**, Howard; Yu, Edward; "Improving Process Maturity to Compete in the Desktop Printer Market", April 1998, PDMA Visions Magazine, pp.1-8, (hereinafter **Kakita**).

Regarding **Claim 3**, Kakita teaches a four point maturity scale as taught above. Kakita does not teach rating a business process on a 5-level scale. However Official Notice is taken that it is old and well known in the art to use a 5 level scale to assess maturity of a process. The steps known in the art of assessing maturity as taught by Kakita would provide a predictable result in determining 5 levels of maturity for a company to attain.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kakita to include assessing the organization on a five level scale, because it would have provided a predictable result in assessing where a company's level of maturity was.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maturity and its Impact on New Product Development Project Performance

Kevin Dooley; Anand Subra, John Anderson, 2001, Research in Engineering Design, 13; 23-29.

A stage maturity model for enterprise resource planning systems use

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Christopher P Holland, Ben Light. Database for Advances in Information Systems. New York: Spring 2001. Vol. 32, Iss. 2; pg. 34, 12

Resolving the process paradox

Robert A Gardner. Quality Progress. Milwaukee: Mar 2001. Vol. 34, Iss. 3; pg. 51, 9 pgs

Can cost management benefit from an industry standard process capability model?

Other disciplines have!

Anonymous. The CPA Letter. New York: Feb/Mar 2000. Vol. 80, Iss. 2; pg. D3, 1 pgs

Information technology metrics

Betty Vivant. The Journal of Bank Cost & Management Accounting. San Francisco: 1999. Vol. 12, Iss. 3; pg. 11, 28 pgs

Process performance measurement system: A tool to support process-based organizations

Peter Kueng. Total Quality Management. Abingdon: Jan 2000. Vol. 11, Iss. 1; pg. 67, 19 pgs

Measure success

Noah Schachtman. InformationWeek. Manhasset: Oct 26, 1998. , Iss. 706; pg. 103, 3 pgs

Harnessing the power of intellectual capital. (includes glossary and list of reference materials) Bassi, Laurie J. Training & Development, v51 , n12, p25(6) Dec, 1997, Dialog 10018565 Supplier Number: 20251749.

Setting the PACE in Product Development: A Guide to Product and Cycle Time Excellence

McGrath, Michael; Butterworth Heinemann, 1995, pp.1-177.

The examiner notes that the chapter on application of the product development maturity model beginning on page 147 is salient to the instant application.

"Welcome to the Performance Measurement Group LLC", webpage from web.archive.org archived on 10-06-2000, pp.1-4.

Dimensions Executive Summary: Product Development Benchmarking Series, copyright 2000 the Performance Management Group, pp.1-4.

Product Development Benchmarking Series, webpage from web.archive.org archived on 12-06-2000, pp.1-2.



Questions frequently asked by development professionals considering a subscription to the Product Development Benchmarking Series, webpage from web.archive.org archived on 10-06-2000, pp.1-4.

D'Allesandro US 6,556,974 teaches a method for evaluating business performance.

Honarvar US 6,321,206 teaches a method for moving business clients across a variety of strategic categories.

Zamanian US 6,339,775 teaches a method for extracting business information from data warehouses for business analytical applications.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 2-13-08

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623